



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/600,067	06/20/2003	Yogesh C. Patel	LUTZ 2 00208	5667

7590

04/25/2005

Richard J. Minnich  
Fay, Sharpe, Fagan, Minnich & McKee, LLP  
Seventh Floor  
1100 Superior Avenue  
Cleveland, OH 44114

EXAMINER

LE, DANH C

ART UNIT

PAPER NUMBER

2683

DATE MAILED: 04/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/600,067

Applicant(s)

PATEL, YOGESH C.

Examiner

DANH C LE

Art Unit

2683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 20 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 17-20 is/are allowed.
- 6) ☒ Claim(s) 1-12, 15, 16, 21-24 and 26 is/are rejected.
- 7) ☒ Claim(s) 13, 14 and 25 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 November 2003 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 6/20/03.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Drawings*

1. The drawings were received on 11/03/03. These drawings are made of record in the application file.

### *Information Disclosure Statement*

2. The information disclosure statement (IDS) submitted on 06/20/03 has been considered by the examiner and made of record in the application file.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims are rejected under 35 U.S.C. 103(a) as being unpatentable over Navarro (US 2003/0143974) in view of Manson (US 6,543,051).**

As to claim 1, Navarro teaches a method for broadcasting a message in a wireless network (figure 3 and 4), the method including the steps:

receiving a emergency warning message that a message to be broadcast by the wireless network is to follow and instructions designating a geographic area associated with the message broadcast;

broadcasting the emergency warnign message over a broadcast channel associated with the wireless network and the designated geographic area;

Art Unit: 2683

transmitting the emergency warning message to one or more mobile stations associated with the designated geographic area;

receiving the emergency warning message by one or more mobile stations;

Display the emergency warning message by the mobile station.

Navarro fails to teach receiving a message notice, a terminate notice and transmitting these messages to the mobile stations. Manson teaches receiving a message notice, a terminate notice and transmitting these messages to the mobile stations (col.6, lines 12-27). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Manson into the system of Navarro in order to provide the various formats and information requirements for the mobile station.

As to claim 2, the combination of Navarro and Manson teaches the method as set forth in claim 1 wherein the message notice, message, and termination notice are received from an emergency alert system (Manson, col.6, lines 12-27).

As to claim 3, the combination of Navarro and Manson teaches the method as set forth in claim 2 wherein the message is associated with at least one of an emergency action notification, an emergency action termination, a national information center message, a national periodic test, a monthly test, a weekly test, an administrative action, an avalanche warning, an avalanche watch, a blizzard warning, a child abduction emergency, a civil danger warning, a civil emergency warning, a coastal flood warning, a coastal flood watch, a dust storm warning, an earthquake warning, an evacuation immediate condition, a fire warning, a flash flood warning, a flash flood

Art Unit: 2683

watch, a flash flood statement, a flood warning, a flood watch, a flood statement, a hazardous materials warning, a high wind warning, a high wind watch, a hurricane warning, a hurricane watch, a hurricane statement, a law enforcement warning, a local area emergency, a network message notification, a 911 telephone outage emergency, a nuclear power warning, a radiological hazard warning, a severe thunderstorm warning, a severe thunderstorm watch, a severe weather statement, a shelter in place warning, a special marine warning, a special weather statement, a tornado warning, a tornado watch, a tropical storm warning, a tropical storm watch, a tsunami warning, a tsunami watch, a volcano warning, a winter storm warning, and a winter storm watch (paragraph 0004).

As to claim 4, the combination of Navarro and Manson teaches the method as set forth in claim 2 wherein the message is associated with at least one of a presidential message, a local area message, a state message, and a national information center message (Navarro, paragraph 0015).

As to claim 5, the combination of Navarro and Manson teaches the method as set forth in claim 2 wherein the message is associated with at least one of a weather service agency, an emergency management agency, a law enforcement agency, a security agency, and a public office (Navarro, paragraph 0012).

As to claim 6, the combination of Navarro and Manson teaches the method as set forth in claim 1 wherein the, message notice, message, and termination notice are received from at least one of a broadcast network, a cable network, a program supplier, an AM broadcast station, an FM broadcast station, a low power FM (LPFM) broadcast

Art Unit: 2683

station, a TV broadcast station, a class A (CA) TV station, a low power TV (LPTV) station, a cable system, a wireless cable system, a multipoint distribution service (MDS) station, a multichannel multipoint distribution service (MNMS) station, and an instructional television fixed service (ITFS) station (Manson, col.2, lines 53-65).

As to claim 7, the combination of Navarro and Manson teaches the method as set forth in claim 6 wherein the message is associated with at least one of a weather news report, a headline news report, a traffic news report, an entertainment segment, and a promotional advertisement (Manson, col.2, lines 53-65).

**4. Claims are rejected under 35 U.S.C. 103(a) as being unpatentable over Navarro (US 2003/0143974) and Manson (US 6,543,051) in view of Patel (US 2002/011397).**

As to claim 8, the combination of Navarro and Manson teaches the method as set forth in claim 1 wherein the message notice, message, and termination notice are received by a mobile switch centers. The combination of Navarro and Manson fails to teach the message receiving from public switched telephone network. Patel teaches the message receiving from public switched telephone network (figure 1, 114).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Manson into the system of Navarro in order to receive data form multiple network.

As to claim 9, the combination of Navarro, Manson and Patel teaches method as set forth in claim 8 wherein the message notice, message, and termination notice are

Art Unit: 2683

communicated from the public switched telephone network to a one or more mobile switching centers (Patel, 110).

As to claim 10, the combination of Navarro, Manson and Patel teaches the method as set forth in claim 9 wherein the message notice, message, and termination notice are communicated from the one or more mobile switching centers to one or more base stations associated with the designated geographic area, each base station associated with a cell of the wireless network (Navarro, 104).

As to claim 11, the combination of Navarro, Manson and Patel teaches the method as set forth in claim 10 wherein the message notice and termination notice are transmitted from the one or more base stations to the one or more mobile stations (Navarro, paragraph 0013-0016).

As to claim 12, the combination of Navarro, Manson and Patel teaches the method as set forth in claim 10 wherein the message is broadcast from the one or more base stations to the one or more mobile stations.

**5. Claims 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Navarro (US 2003/0143974) and Manson (US 6,543,051) in view of Sweatt (US 2003/0179089).**

As to claim 15, the combination of Navarro and Manson teaches the method as set forth in claim 1, which receives a terminate message at one or more mobile stations, the combination of Navarro and Manson fails to teach further including activating a message cue in response to receiving the message. Sweatt teaches activating a message cue in response to receiving the message (paragraph 0007). Therefore, it

Art Unit: 2683

would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Manson into the system of Navarro in order to activate the message by the user.

As to claim 16, the combination of Navarro, Manson and Sweatt teaches the method as set forth in claim 15 wherein the message termination cue is at least one of a visual indicator, an audible tone, and a vibration frequency (paragraph 0007).

As to claim 21, the claim is a system claim of claim 1; therefore, the claim is interpreted and rejected as set forth as claim 1.

As to claim 22, the claim is a system claim of claim 2; therefore, the claim is interpreted and rejected as set forth as claim 2.

As to claim 23, the claim is a system claim of claim 4; therefore, the claim is interpreted and rejected as set forth as claim 4.

As to claim 24, the claim is a system claim of claim 7; therefore, the claim is interpreted and rejected as set forth as claim 7.

As to claim 26, the claim is a system claim of claim 15; therefore, the claim is interpreted and rejected as set forth as claim 15.

***Allowable Subject Matter***

Claims 13, 14 and 25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

As to claims 13 and 24, the teaching of prior arts above further fails to teach at the one or more mobile stations, activating a message notice cue in response to



Art Unit: 2683

receiving the message notice and at any of the one or more mobile stations, responding, to activation one or more control buttons- to connect the corresponding mobile station to the to the broadcast channel to receive the broadcast message.

Dependent claim 14 is allowable for the same reason.

Claims 17-20 are allowed.

As to claims 13 and 24, the teaching of prior arts above further fails to teach at the one or more mobile stations, activating a message notice cue in response to receiving the message notice, at any of the one or more mobile stations, responding to activation of one or more control buttons to connect the corresponding mobile station to the broadcast channel to receive the broadcast message and at the one or more mobile stations, activating a message termination cue in response to receiving the termination notice.

Dependent claims 10-20 are allowable for the same reason.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A. Lamb (US 6,867,688) teaches apparatus and method for providing weather and other alerts.

B. Thompson (US 2003/0137415) teaches homeland security emergency notification system.

C. Vanderable (US 6,204,761) teaches weather alert system.

Art Unit: 2683

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANH C LE whose telephone number is 571-272-7868. The examiner can normally be reached on 8:00AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, WILLIAM TROST can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'danh', with a horizontal line underneath it.

April 14, 2005

DANH CONG LE  
PATENT EXAMINER